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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

10 RAMON L. ESPINOZA,  
11 Plaintiff  
12 v.  
13 RICK MROCZECK, et al  
14 Defendant

Case No. 2:23-cv-00228-TLN-JDP

## ORDER

16 The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. §  
17 636(b)(1)(B) and Local Rule 302. On January 17, 2024, the magistrate judge filed findings and  
18 recommendations herein which were served on the parties, and which contained notice that any  
19 objections to the findings and recommendations were to be filed within fourteen days. The time  
20 to file objections has passed, and no objections were filed.

21 The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602  
22 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*.  
23 *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the  
24 magistrate judge are reviewed *de novo* by both the district court and [the appellate] court . . . .").  
25 Having reviewed the file, the Court finds the findings and recommendations to be supported by  
26 the record and by the proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The proposed Findings and Recommendations filed January 17, 2024 (ECF No. 21) are ADOPTED IN FULL;
  2. The Court GRANTS Defendants' Motion to Dismiss (ECF No. 13);
  3. Plaintiff's First Amended Complaint (ECF No. 7) is DISMISSED without prejudice and with leave to amend; and
  4. The Court GRANTS Plaintiff thirty (30) days to file a second amended complaint.

Date: February 19, 2024

  
Troy L. Nunley  
United States District Judge